

### Remarks/Arguments

Applicants respectfully request consideration of the subject application as amended herein. Claims 1-28 are rejected.

No claims have been amended, cancelled, or added. Therefore, claims 1-28 are presented for examination.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

### Claim Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-20 and 22-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,832,253 to Auerbach.

Auerbach discusses a proximity-based content control method "propagates" or positions content based upon "proximity" between various nodes on a network.

Auerbach's nodes are independently evaluated. There is no concept in Auerbach of a grouping of nodes.

The Examiner argues in the Response (Office Action, page 2, paragraph 3) that "The proximity of a single node, which meets Applicant's claimed definition of an arena, meets Applicants claim language of routing content in accordance with routing rules specific to an arena." Applicants respectfully disagree.

Since there is no concept of an "arena" in Auerbach, there cannot be "routing rules specific to an arena." If the arena is defined as a single node, there still is no concept in Auerbach of routing rules which vary.

The Examiner says "Determining whether a client is a member of an arena is done by proximity between the client and potential video servers." Applicants respectfully submit that this ignores the concept of having an arena with specific rules.

Claim 1 recites in part "if the client is a member of the arena, applying routing rules to the delivery of content to the client, including routing rules specific to the arena." The Examiner suggests that Auerbach, at column 8, lines 56-67 defines proximity as functioning along a specific network path. This is correct, however, this has no connection to having an "arena" and routing content in accordance with routing rules specific to the arena. There is no concept in Auerbach of routing rules specific to an

arena, even if arguendo a single node could be considered an arena. Therefore, claim 1, and claims 2-9 are not anticipated by Auerbach.

Furthermore, claim 2 recites "defining an arena by receiving input from a user and using the input to specify one or more edge routers that surround nodes on the network that are members of the arena."

The Examiner suggests that proximity identifies the location of one or more clients requesting content. When the user requests the content this is the input. However, the Examiner fails to explain what "arena" is "defined" based on this user input. Furthermore, as is explained in the Specification (paragraph 34), an edge router is a router that typically separates a network from another network as opposed to gateway routers that typically connect a collection of nodes to a network. Auerbach fails to teach or suggest specifying one or more edge routers that surround nodes on the network. Furthermore, Applicants note that the claim recites nodes, specifying the plural. Therefore, a single client cannot be equivalent to nodes on the network, as recited in claim 2. Therefore, Auerbach does not anticipate claim 2.

Claim 10, as amended, recites in part "if the client is a member of the arena, applying routing rules to the delivery of content to the client, including routing rules specific to the arena." As noted above, Auerbach does not teach or suggest an arena, nor the use of routing rules specific to the arena. Therefore, claim 10, and claims 11-18 which depend on it, are not anticipated by Auerbach.

Claim 19 recites in part "a routing mechanism configured to apply routing rules to the delivery of content to the client, including routing rules specific to the arena, if the client is a member of the arena." As noted above, Auerbach does not teach or suggest an arena, nor the use of routing rules specific to the arena. Therefore, claim 19, and claims 22-28 which depend on it, are not anticipated by Auerbach.

## Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith A. Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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